

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TEXAS**  
**MARSHALL DIVISION**

GREGORY DEWAYNE WORTH	§	
VS.	§	CIVIL ACTION NO. 2:08cv481 CRIMINAL ACTION NO. 2:05cr3
UNITED STATES OF AMERICA	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On December 29, 2008, Petitioner filed a motion to vacate/correct illegal sentence pursuant to 28 U.S.C. § 2255. Pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges, the motion was referred to United States Magistrate Judge Charles Everingham.

The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. No objections were filed.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore


**ORDERS** that Respondent's motion to dismiss (dkt#5) is **GRANTED**;

**ORDERS, ADJUDGES, and DECREES** that this action is **DISMISSED WITH PREJUDICE**;

**ORDERS** that Petitioner is **DENIED** a certificate of appealability, and

**ORDERS** that all motions not previously ruled on are **DENIED**.

SIGNED this 10th day of December, 2009.

A handwritten signature in black ink, reading "T. John Ward", written over a horizontal line.

T. JOHN WARD  
UNITED STATES DISTRICT JUDGE